

2/9/08

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: KIM, Yang-Pioug

SERIAL NO.: 09/579235

ART UNIT: 1771

FILED: 30 May 2000

EXAMINER: Vo, H.

TITLE: LAYERED FILM SHEET FOR COATING

PETITION FOR WITHDRAWAL OF A  
HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181  
STATEMENT OF FACTS

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.181, the following is a showing of timely transmission of the responsive communication.

1. The present application was filed on 30 May 2000.
2. The application was improperly abandoned on 3 June 2002.
3. Applicant filed a first Petition to Withdraw a Holding of Abandonment under 37 C.F.R. § 1.181 on 17 June 2002, promptly after receiving the Notice of Abandonment. A copy of this first Petition is attached hereto. The first Petition provides the proof of the responsive Amendment A, filed on October 31, 2001.
4. Applicant never received a response to this first Petition to Withdraw the holding of abandonment.

02/26/2008	CKHLOK	00000012	080879	09579235
01 FC:2501		720.00	DA	
02 FC:2452		255.00	DA	

Adjustment date: 02/26/2008 CKHLOK  
02/11/2008 INTEFSW 00004242 09579235  
01 FC:2814 -65.00 OP

Refund Ref: 0030051021  
02/26/2008

Credit Card Refund Total: \$65.00

5. No further communication was received regarding this pending Petition. The U.S. Patent and Trademark Office converted to electronic files, and the Attorney Docket Number for the application was not transferred into the electronic records.
6. Applicant inquired into the status of this application in January 2008. The current status showed that the application was still abandoned as of 3 June 2002 for failure to Pay Issue Fee. However, the application was never allowed and Applicant never received any communication regarding any allowance. Additionally, the image file wrapper provides no documentation of any Notice of Allowance being sent.
7. The application cannot be abandoned for failure to pay the issue fee because the application was never allowed. There is no PTOL-85 form in the electronic file, and Amendment A of 31 October 2001 was not considered by the Examiner.
8. The delay from June 2002 to January 2008 is extensive because conversion of files and changes of address for the Korean national Applicant. Applicant's attorney did not receive electronic access for monitoring until 11 January 2008. The data transfer was incomplete, and Applicant was never notified of any changes.
9. Applicant did not intend to fail to provide a response, as Amendment A on 31 October 2001 or in the form of payment of any Issue Fee, to the U.S. Patent and Trademark Office. Applicant did not intend for the application to be abandoned.
10. Applicant respectfully requests a withdrawal of the holding of abandonment or alternatively, petitions for revival for unavoidable abandonment under 37 C.F.R. § 1.137(a).

11. The present petition is more than three months after the date the U.S. Patent and Trademark Office sent the Notice of Abandonment on 3 June 2002. The first Petition to withdraw the holding of abandonment was filed less than three months after the Notice of Abandonment. There was no delay in filing the first petition less than three months after the Notice of Abandonment. The present Petition to withdraw the holding of abandonment is filed more than three months after the Notice of Abandonment. The entire delay was unavoidable because no communication was ever received, and processing errors after receipt in the U.S. Patent and Trademark Office resulted in the loss of the document. Applicant was never made aware of these reasons for delay.
12. The present petition is more than one year after the date of actual abandonment by the U.S. Patent and Trademark Office on 3 June 2002. The first Petition to withdraw the holding of abandonment was filed less than one year after the actual abandonment. There was no delay in filing the first petition less than one year after the date of actual abandonment. The present Petition to withdraw the holding of abandonment is filed more than one year after the actual abandonment. The entire delay was unavoidable because no communication was ever received, and processing errors after receipt in the U.S. Patent and Trademark Office resulted in the loss of the document. Applicant was never made aware of these reasons for delay.
13. As a further alternative Petition under 37 C.F.R. § 1.181, Applicant respectfully requests for any suitable relief for continued consideration of the patentable subject matter and the correction of the status of the application. If the application was

actually allowed, then Applicant would like the opportunity to pay the Issue Fee for securing the patent rights.

14. The entire delay in filing the present Petition is caused by mistakes in processing. Alternatively, the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(a) was unavoidable.

Applicant petitions for withdrawal of any holding of abandonment because the patent application is not in fact abandoned. Applicant filed a timely response to the non-final Office Action on October 31, 2001.

Applicant petitions for withdrawal of the holding of abandonment based upon the evidence of the timely filed required reply, petition for extension of time and fee. Pursuant to 37 C.F.R. § 1.181, no government fee is included.

Alternatively, Applicant petitions for revival based upon unavoidable delay, and Applicant has included a proper response, comprising the first Petition to Withdraw Holding of abandonment, concurrent with the present filing of the Petition, and a Terminal Disclaimer. Applicant files the required reply to secure revival of the patent application for further consideration on the merits. Any additional petition fees under 37 C.F.R. § 1.137(a) can be charged to Deposit Account No. 080879.

Applicant further petitions under 37 C.F.R. § 1.181 for any proper relief as deemed by the Examiner with regard to the revival and restoration of the status of the present patent application.

No new matter has been added by the present amendment.

Applicant respectfully requests granting the Petition to Withdraw Holding of Abandonment because the application was never really abandoned and because the cited reason in the Electronic File Wrapper is incorrect. There is no government fee for the Petition to Withdraw Holding of Abandonment. The Terminal Disclaimer fee is attached hereto. Any additional fees for the petition to revive or any overpayment with regard to this petition and application may be credited or debited to Deposit Account 08-0879.

Respectfully submitted,

<u>February 9, 2008</u>	<u>/Andrew W. Chu/</u>
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